



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,166	06/30/2005	Hae-Il Kim	PLU-0005	6317
23413	7590	06/26/2006		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER WALCZAK, DAVID J	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election

Applicant's election without traverse of Species I (claims 1 and 3) in the reply filed on 6/7/06 is acknowledged.

Abstract

The abstract of the disclosure is objected to because phrases that can be implied, such as "The present invention relates" should not be present therein. Correction is required. See MPEP § 608.01(b).

Specification

The disclosure is objected to because of the following informalities: The drawings are replete with reference characters that are not present in the specification. For example, reference characters 24, 27, 28, 38, 39, 47, 48 and 53 (See Figures 5, 6, 7, 8 and 10) are not present in the specification. The Applicant should review all of the drawings to ensure that each reference character present therein is also present in the specification. Further, on page 12, line 6, "third body 50" should be --third body 50c--, on page 12, line 15, "51" should be --52-- and on page 12, line 16, "52" should be --51--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 1, an antecedent basis for “the side wall surface of the lower portion” (lines 10 and 12) and “the front and lower portion of the body” (lines 14-15) should be defined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference JP52-97814 (as cited by Applicant, hereinafter ‘814). In regard to claim 1, ‘814 discloses a device for gripping a writing tool comprised of body having a curved surface, thumb and index finger contact preventing parts curved on the upper surface of the body “in the same form as a space formed between a user’s thumb and index finger” (see Figure 4), a thumb seating part 1 formed on the side wall surface of the lower portion of the thumb contact preventing part, an index finger seating part 2 formed on the side wall surface of the lower portion of the index finger contact preventing part, a middle finger seating part 4 extending downwardly from the front and lower portion of the body and positioned where the writing tool and user’s middle finger are in contact, a thumb support part 8 laterally extending from the middle finger seating

part and a coupling part 6 for fixing the writing tool to the body at a predetermined angle. In regard to claim 3, the coupling part is an insertion hole perforating the body at a predetermined gradient for inserting and fixing the writing tool thereto.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Yang, Ertz and McNiece references are cited for disclosing other writing instrument holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David J. Walczak
Primary Examiner
Art Unit 3751

DJW
6/21/06